



## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No: FAA-2023-0530]

### Fiscal Year 2023 Competitive Funding Opportunity: Airport Improvement Program

#### Discretionary Grants

**AGENCY:** Federal Aviation Administration, U.S. Department of Transportation.

**ACTION:** Notice of funding opportunity.

**SUMMARY:** The U.S. Department of Transportation's Federal Aviation Administration (FAA) announces the opportunity to apply for an estimated \$1.5 billion in fiscal year (FY) 2023 discretionary grants under the Airport Improvement Program (AIP). The FAA awards these annually appropriated discretionary funds through the FAA's long-standing iterative, competitive grant process. Prior to the publication of this Notice of Funding Opportunity (NOFO), the FAA identified eligible applicants in its National Plan of Integrated Airport Systems (NPIAS) and compiled potentially eligible projects through the 3-year Airports Capital Improvement Plan (ACIP). Both of these processes are described in FAA Order 5090.5, "Formulation of NPIAS and ACIP," which authorizes discretionary funds. The AIP funds airport capital improvements and rehabilitation projects. All discretionary grant funding is subject to appropriations, statutory requirements, and related program funding availability.

**DATES:** Sponsors that wish to be considered for all opportunities for AIP discretionary funding throughout FY 2023 should submit applications that meet NOFO requirements as soon as possible, but no later than Friday, July 14, 2023, 11:59 p.m. Eastern Daylight Time to FAA Regional or Airport District Offices per instructions in this NOFO. The FAA considers all applications properly submitted prior to this NOFO. Final discretionary grant application funding requests should be based on bids or firm costs, not estimates.

**FOR FURTHER INFORMATION CONTACT:** David F. Cushing, Manager, Airports

Financial Assistance Division, APP-500, at (202) 267-8827.

**SUPPLEMENTARY INFORMATION:**

**A. Program Description**

Under 49 U.S.C. 47104, the FAA may issue grants for airport planning and development in the United States. Eligible projects include those improvements related to enhancing airport safety, capacity, security, and environmental concerns. In addition, 49 U.S.C. 47101(a)(1) states that it is the policy of the United States that the safe operation of the airport and airways system is the highest aviation priority, and 49 U.S.C. 47101(a)(7) states that airport construction and improvement projects that increase the capacity of facilities to accommodate passenger and cargo traffic be undertaken to the maximum feasible extent so that safety and efficiency increase and delays decrease.

The FAA is committed to advancing safe, efficient transportation through the AIP. The FAA's safety mission is incorporated into many aspects of the AIP, including, for example, justification requirements for safety and security projects, allowance for certain Safety Management System (SMS) and Safety Risk Management (SRM) costs, and allowance for safety and security equipment projects. Within discretionary funding, safety is incorporated as a scoring factor in the quantitative formula, which is the National Priority Rating (NPR) discussed below.

The AIP provides grants to public agencies and, in some cases, to private owners and entities for the planning and development of public-use airports that are included in the NPIAS. The AIP was authorized by the Airport and Airway Improvement Act of 1982 (Public Law 97-248), which Congress recodified in 1994 as 49 U.S.C. 47101, et seq. (Public Law 103-272). The AIP statutes have been amended several times, most recently with the passage of the FAA Reauthorization Act of 2018 (Public Law 115-254) and subsequent legislation.

The AIP Assistance Listing number is 20.106. The AIP assists sponsors, owners, or operators of public-use airports in the development of a nationwide system of airports sufficient to meet the

needs of civil aeronautics. This includes preserving existing airport infrastructure in a safe and functional operational condition; bringing airport facilities into conformity with current Federal safety standards; constructing, modifying, or expanding facilities as necessary to meet demonstrated aeronautical demand; enhancing environmental sustainability; and providing a balanced system of airports to meet the roles and functions necessary to support civil aeronautical demand.

The FAA implements AIP as appropriate and consistent with AIP statutory criteria and Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad” (86 FR 7619). In addition to promoting safety, the FAA seeks to fund projects under AIP that reduce greenhouse gas emissions in the transportation sector, incorporate evidence-based climate resilience measures and features, reduce the lifecycle greenhouse gas emissions from the project materials, avoid adverse environmental impacts to air or water quality, wetlands, and endangered species, and address the disproportionate negative environmental impacts of transportation on disadvantaged communities. Also, the FAA encourages applicants to consider how a proposed project directly benefits investments in Voluntary Airport Low Emission (VALE) and Zero Emissions Vehicle (ZEV) programs to disadvantaged communities and ensures meaningful public engagement under Executive Order 14008, section 223, recognizing that these limited programs direct vehicles for primarily on-airport uses.

The FAA seeks to award projects under the AIP that will create proportional impacts to all populations in a project area, remove transportation-related disparities to all populations in a project area, and increase equitable access to project benefits, consistent with Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (86 FR 7009).

The FAA intends to use the AIP to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, in project planning stages, consistent

with Executive Order 14025, “Worker Organizing and Empowerment” (86 FR 22829), and Executive Order 14052, “Implementation of the Infrastructure Investment and Jobs Act” (86 FR 64335). The FAA also intends to use the AIP to support wealth creation, consistent with the Department of Transportation’s Equity Action Plan through the inclusion of local inclusive economic development and entrepreneurship, such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms. Recipients of Federal transportation funding must comply fully with title VI of the Civil Rights Act of 1964 and implementing regulations, the Americans with Disabilities Act, section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements, as described further below. The Department of Transportation’s (DOT’s) and the FAA’s Office of Civil Rights may provide resources and technical assistance to ensure full and sustainable compliance with Federal civil rights requirements.

## **B. Federal Award Information**

On average, for the last ten years, \$3.35 billion has been appropriated annually for AIP. AIP grants include both apportioned (or entitlement) and discretionary (or competitive) funds. Apportioned funds are allocated in accordance with 49 U.S.C. 47114 based on an airport’s size and level of activity. Discretionary funds are made available in accordance with 49 U.S.C. 47115 and 49 U.S.C. 47117.

Public Law 115-254, titled “FAA Reauthorization Act of 2018,” authorizes \$3.35 billion in funding authority for the AIP to administer grants for airport planning, development, and noise compatibility planning and programs each fiscal year from October 1, 2018, through September 30, 2023.

This NOFO is being issued under the Consolidated Appropriations Act, 2023 (Public Law 117-328). Funding beyond the current available program amount is subject to appropriations and the availability of future funds.

In FY 2022, 374 discretionary grants were issued, totaling approximately \$1.76 billion. The discretionary grants ranged in amount from \$37,000 to \$44,400,000. The average AIP discretionary grant was \$4,700,000. In FY 2023, the FAA anticipates awarding discretionary grants beginning in April 2023, with an individual grant period of performance of 4 years. The AIP is an annual program, and AIP projects are funded based on a planning process described in Order 5090.5, "Formulation of NPIAS and ACIP." In this process, the FAA works with potential award recipients on eligible and justified development needs.

The FAA uses the NPIAS to identify airports that have a role in the National Airspace System (NAS) and all potential airport development projects that are eligible for AIP funding at those airports. The FAA formulates a 3-year ACIP to guide the assignment of AIP funding to projects based on airport development needs identified in the NPIAS. The 3-year ACIP, as a subset of the NPIAS, is an annual process for reviewing the NPIAS for development project needs. From this ACIP the FAA identifies candidates that are ready to accept a grant, including those that may apply for discretionary funding. Discretionary funding includes five types of set-aside funding categories, further described in section D.5. The process begins with each eligible airport operator submitting an individual airport capital improvement plan and follows with the formulation of the NPIAS Report, the National ACIP, and the Discretionary Candidate List (DCL). The DCL accounts for all AIP projects competing for discretionary funding for the first fiscal year of the 3-year ACIP. The DCL is prioritized based on quantitative and qualitative criteria, which are discussed in greater detail in this NOFO sections E.1. and E.2.

### **C. Eligibility Information**

#### **1. Eligible Applicants.**

Eligible applicants are public agencies owning a public-use NPIAS airport; private entities owning a public-use NPIAS airport; States acting as a sponsor for one or more specific NPIAS airports in the State; Indian tribes or pueblos owning or leasing a public-use NPIAS airport; the Secretary of the Interior for Midway Island Airport; the Republic of the Marshall Islands; the

Federated States of Micronesia; the Republic of Palau; and other applicants as outlined in table 2-1 of Order 5100.38, Airport Improvement Program Handbook (AIP Handbook) available at: [https://www.faa.gov/airports/aip/aip\\_handbook/](https://www.faa.gov/airports/aip/aip_handbook/).

## 2. Cost Sharing or Matching.

AIP grants generally have Federal shares ranging from 70 percent to 95 percent. The Federal share percentage is based on the airport size and type of project per statute. Federal share by airport and project type can be found in chapter 4 of the AIP Handbook.

## 3. Project Eligibility.

Discretionary funds are made available in accordance with 49 U.S.C. 47115, 49 U.S.C. 47117, and 49 U.S.C. 47120 to fund needs that exceed an airport's available apportioned funds.

Apportioned funds are allocated in accordance with 49 U.S.C. 47114 and must be used on an airport's highest-priority project(s). Discretionary funding is determined after entitlement funding has been determined. However, the FAA reviews both discretionary grants and entitlement grants for eligibility and justification per the statutory ACIP process described below.

All projects funded with AIP must be justified and eligible under 49 U.S.C. chapters 471 and 475, as further outlined in chapter 3 of the AIP Handbook. Eligible projects include those improvements related to enhancing airport safety, capacity, security, and environmental sustainability, as well as evidence showing compliance with Federal civil rights laws. In general, sponsors can receive AIP funds for most airfield capital improvements or rehabilitation projects and, in some specific situations, for terminals, hangars, and non-aviation development. Certain professional services that are necessary for eligible projects (such as planning, surveying, and design) may also be eligible. The FAA must be able to determine whether a proposed project is justified based on civil aeronautical demand. The projects must also meet Federal environmental, Buy American, and 2 CFR part 200 procurement requirements.

The discretionary planning process is a subset of the ACIP formulation process. Funds are assigned to projects in the ACIP based on project priority, funding types, and project type. Assignment of funds in the ACIP does not guarantee funding. Funding levels may vary based on annual appropriations. Discretionary projects in the ACIP are evaluated for priority and readiness in accordance with the AIP Handbook. The inclusion of a project in the national ACIP does not constitute a commitment of Federal funding. For a project to be funded under AIP, it must meet the prerequisites for funding, as found in the AIP Handbook table 3-1, “The 16 General Requirements for Project Funding.” These prerequisites include, but are not limited to, the project being included in the airport’s approved layout plan, an environmental determination, all necessary airspace studies, title to land, the satisfaction of intergovernmental review and airport user consultation requirements, and reasonable project readiness. For the complete list, refer to the AIP Handbook table 3-1, available at [https://www.faa.gov/airports/aip/aip\\_handbook/?Chapter=3#S0301](https://www.faa.gov/airports/aip/aip_handbook/?Chapter=3#S0301). The release of funds for each individual grant project is contingent upon grant recipients meeting all of these prerequisite milestones.

#### **D. Application and Submission Information**

##### **1. Address to Request Application Package.**

All inquiries should be directed to the appropriate Regional Office (RO) or Airport District Office (ADO). RO/ADO contact information is below.

<https://www.faa.gov/airports/regions/>

Application forms are at:

<https://www.faa.gov/airports/resources/forms/>

##### **2. Content and Form of Application Submission.**

For content and application information, reference the “Standard Operating Procedure for FAA Review and Approval of an Airport Improvement Program (AIP) Grant Application.”

<https://www.faa.gov/sites/faa.gov/files/airports/resources/sops/arp-sop-600-grant-application.pdf>

The final grant application funding requests should be based on bids or firm costs, not estimates. Grant Funds, Sources and Uses of Project Funds – Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for or has been awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: non-Federal, AIP, and other Federal, with specific amounts from each funding source.

The FAA considers eligible and justified projects per 49 U.S.C. 47103, 47104, 47106, 47107, 47108, and 47109 that align with Executive Orders identified in the NOFO and further the Administration's goals of safety, environmental stewardship, climate change and sustainability, equity, creation of good jobs and infrastructure investment. Applications should briefly describe how the proposed project meets at least one of these goals. The Administration's goals are identified for each discretionary project based on the following definitions.

Safety – As stated, safety enhancements and the preservation of a safe environment is an element of nearly every AIP project. Applicants are encouraged to address how their project provides substantial safety benefits. Prior to receiving funds, all projects are expected to, at a minimum, identify and mitigate to the extent practicable any significant safety risks that could result after the project completion.

Equity – Applicants are encouraged to address how their project will advance equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Examples are projects in Economically Distressed Areas (EDA), projects to meet ADA requirements, and projects in Tribal communities. The statutory criteria used for EDA-impacted communities is explained on the Economically Distressed Areas (EAS/EDA Determinations) Special Rule webpage. This definition also applies to statutory requirements under 49 U.S.C. 47102(3)(f) "Airport Development" and section 47123 "Nondiscrimination." In addition, the FAA must assess that all grantees are compliant with title VI of the Civil Rights Act of 1964, section 504 of the



Rehabilitation Act, and other Federal civil rights statutes. Applicants are encouraged to address how their project will include an equity assessment which evaluates whether a project will create proportional impacts and remove transportation-related disparities to all populations in a project area. Applicants may demonstrate how meaningful public engagement will occur throughout a project's life cycle. Applicants may address how project benefits will increase affordable transportation options, improve safety, connect Americans to good-paying jobs, fight climate change, and/or improve access to resources and quality of life.

Climate Change and Sustainability – Applicants are encouraged to address how their project will promote an equitable, clean energy future as well as standards that protect our air, water, and communities. Examples are any environmental improvements, noise projects, VALE/ZEV, deicing containment, and drainage improvements. Applicants are encouraged to address how the project will consider climate change and environmental justice in the planning stage and in project delivery. In particular, applicants may address how the project reduces greenhouse gas emissions in the transportation sector, taking into account relevant domestic and international standards and recommended practices; incorporates evidence-based climate resilience measures and features, and reduces the lifecycle greenhouse gas emissions from the project materials.

Applicants also may address the extent to which the project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, as well as address disproportionate negative impacts of climate change and pollution on disadvantaged communities, including natural disasters, with a focus on prevention, response, and recovery.

Workforce Development, Job Creation and Wealth Creation – Applicants are encouraged to address how their project will that create good jobs in the community and support good-paying construction jobs. Examples are projects to expand cargo or manufacturing operations, fuel farms, hangars, and terminals. Applicants are encouraged to address how their project will create good-paying jobs with the free and fair choice to join a union; promote investments in high-quality workforce development programs with supportive services to help train, place, and retain

people in good-paying jobs or registered apprenticeship, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs; and change hiring policies and workplace cultures to promote the entry and retention of underrepresented populations.

Applicants may also address how the project promotes local inclusive economic development and entrepreneurship, such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

Infrastructure Investment – Capital airport development projects. Applicants are encouraged to address how their project will repair, renew, and upgrade the airports' infrastructure. Airport development is defined in 49 U.S.C. 47102(3) and includes a list of activities if those activities are undertaken by the sponsor, owner, or operator of a public-use airport.

Sharing of Application Information – The FAA may share application information within the Department of Transportation or with other Federal agencies if the FAA determines that sharing is relevant to the respective program's objectives.

### 3. Unique Entity Identifier and System for Award Management (SAM).

Applicants must comply with 2 CFR part 25 – Universal Identifier and System for Award Management. All applicants must provide a unique entity identifier provided by SAM.

Additional information about obtaining a Unique Entity Identifier (UEI) and registration procedures may be found on the SAM website (currently at <http://www.sam.gov>). Each applicant is required to: (1) be registered in SAM before submitting an application; (2) provide a valid UEI in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by the FAA. Under the AIP, the UEI and SAM account must belong to the entity that has the legal authority to apply for, receive, and execute AIP grants.

Once awarded, the FAA grant recipient must maintain the currency of its information in the SAM until the grant recipient submits the final financial report required under the grant or receives the final payment, whichever is later. A grant recipient must review and update the

information at least annually after the initial registration and more frequently if required by changes in information or another award term.

The FAA may not make an award until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time the FAA is ready to make an award, the FAA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant.

Non-Federal entities that have received a Federal award are required to report certain civil, criminal, or administrative proceedings to SAM (Responsibility/Qualification at <https://sam.gov/content/fapiis>) to ensure registration information is current and complies with Federal requirements. Applicants should refer to 2 CFR 200.113 for more information about this requirement.

#### 4. Submission Dates and Times.

Sponsors wishing to be considered for AIP discretionary funding throughout FY 2023 should submit applications that meet these NOFO requirements as soon as possible to FAA Regional or Airport District Offices. The FAA considers all applications submitted prior to this NOFO if they meet all existing law, Federal regulations, NOFO requirements, and FAA policy.

The FAA considers applications on a rolling basis. The final deadline to submit discretionary grant applications is Friday, July 14, 2023, 11:59 p.m. Eastern Daylight Time. Under 49 U.S.C. 47115, the FAA, considers projects that are the most appropriate to carry out the statute at any time prior to September 30, 2023.

Information about entitlement funds can be found at 88 FR 5955, published on January 30, 2023.

#### 5. Funding Restrictions.

Under 49 U.S.C. 47115 and 47116, projects must meet airport and project eligibility and justification criteria. Eligibility is derived from statute and may include projects to enhance airport safety, capacity, security, and environmental concerns. In general, sponsors may receive

AIP funds for most airfield capital improvements and, in specific situations, for terminals, hangars, equipment, and non-aeronautical development. Projects related to airport operations are not eligible for funding. Operational costs — such as salaries, equipment, and supplies — are not eligible for AIP grants.

Furthermore, chapter 4 of the AIP Handbook describes the funding restrictions by airport type (table 4-4) and project restrictions by fund type (table 4-5). Discretionary funding is broken down into five categories: 1. Environmental Set Aside, which includes Noise Compatibility and Mitigation Programs, the VALE Program, and ZEV Program; 2. Reliever Set Aside; 3. Military Airport Program (MAP) Set Aside; 4. Capacity/Safety/Security/Noise (C/S/S/N); and 5. Pure Discretionary. Each of these fund types has certain public-use NPIAS airport categories that can use this funding, as described in table 4-4 of the AIP Handbook, for example, C/S/S/N funding is only available to primary and reliever airports. Each of the discretionary fund types also has certain project restrictions by fund type, as outlined in table 4-5 of the AIP Handbook, for example, Reliever Set Aside funding may not be used for terminal buildings.

The AIP has funding restrictions by airport and/or project type. See the criteria below and refer to AIP Handbook, chapters 3 and 4, for further details on eligibility criteria and funding restrictions available at: [https://www.faa.gov/airports/aip/aip\\_handbook/](https://www.faa.gov/airports/aip/aip_handbook/). The AIP Handbook is the published policy for AIP. Except where options are specifically noted or where non-mandatory language is used, the procedures and requirements are mandatory. The general requirements for project funding include considerations of: project eligibility; project justification; good title of airport property; an FAA-approved airport layout plan; a complete intergovernmental review; airport-user consultations; complete required environmental reviews; a determination that the grant will yield a usable unit of work; certification that the project specification meets FAA standards; applicable cost justifications; and a work plan to complete the project without unreasonable delay.

#### 6. Other Submission Requirements.

Contact RO/ADO for the submission process. RO/ADO contact information is below.

<https://www.faa.gov/airports/regions/>

**i. Pre-Award Authority**

Under 49 U.S.C. 47110(b)(2), all project costs must be incurred after the grant execution date unless specifically permitted under the AIP statutes. Table 3-60 of the AIP Handbook lists the rules regarding when project costs can be incurred in relation to the grant execution date, the type of funding, and the type of project. Certain airport development costs incurred before execution of the grant agreement are allowable, but only if certain conditions under 49 U.S.C. 47110(b)(2)(D) and table 3-60 of the AIP Handbook are met. Specifically, all allowable costs using passenger, cargo, and non-primary entitlement (formula) funding after 9/30/1996 may be reimbursed regardless of whether they were incurred before the grant was executed as long as all other applicable AIP requirements have been met. In addition, allowable costs using any or all of the following must have been incurred after the grant execution date: discretionary, state apportionment (including insular), and Alaska supplemental funding. The only exceptions are based on statute, and are: the part 150 Noise Mitigation program, project formulation for development and planning projects, land acquisition, letters of intent, design-build projects, Military Airport Program, and climate-related conditions.

**E. Application Review Information**

**1. Criteria.**

The FAA evaluates and administers AIP applications consistent with the statutory criteria as described in 49 U.S.C. 47115(d). Under 49 U.S.C. 47115(d), capacity enhancement projects have additional considerations, including a project's impact on national transportation system capacity, airport capacity, and global air cargo activity. For all projects, 49 U.S.C. 47115(d)(2) states that in selecting a project for a grant under that section, the FAA shall consider, among other factors, whether funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical

priority system employed by the FAA in administering the fund; and the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within six months after the grant is made, whichever is later. The ACIP emphasizes using AIP funding on the highest priority projects as required by statute. The numerical priority system is described in section E.2. of this NOFO.

Annual submission from a sponsor of its 5-year Capital Improvement Program (CIP) to the FAA typically initiates the review process. In order for the FAA to include a project in the ACIP, the project must be eligible and justified. The AIP Handbook explains what types of capital projects may be eligible and justified for AIP funding depending on the airport category, project type, and specific category or categories of AIP funding to be requested. Available online at:

[https://www.faa.gov/airports/aip/aip\\_handbook/](https://www.faa.gov/airports/aip/aip_handbook/).

Merit criteria are data-driven criteria as described in section E.2 and are based on project eligibility, justification, readiness, and the availability of funds. For a project to be funded through the AIP, certain prerequisites must be completed. These prerequisites are: the project is included in the airport's approved layout plan, an environmental determination has been made, and all necessary airspace studies are complete. Prerequisites must be met in order for grant funding to be released.

While a project is not required to meet the following criteria, the FAA gives favorable consideration to applications that have a positive benefit on safety; climate change and sustainability; equity; and workforce development, job quality, and wealth creation, as described in section D.2 above.

## 2. Review and Selection Process.

The FAA's review of submitted projects takes place during the formulation of the ACIP.

Through the annual ACIP process, the FAA systematically identifies, plans, and prioritizes airport planning and development projects for AIP funding to produce a three-year funding plan.

The ACIP is a needs-based and financially-constrained plan for funding development over a

rolling three-year period. The National Priority System (NPS) equation is used to calculate the National Priority Rating (NPR), a quantitative measure used for ranking project importance. The NPR is calculated using the NPS equation, which considers the type of airport, the purpose of the project, the component of the project, and the type of action. The resulting score, between 1 and 100, is known as the NPR. The NPR score prioritizes airport development projects according to FAA goals and objectives, with higher numerical scores indicating the project is more aligned with FAA goals and objectives. The maximum value of the NPS equation is 100. NPIAS-ACIP Order section 5.7.3 and NPIAS-ACIP Order appendix B provide a detailed explanation of the NPS Equation, which is available at

[https://www.faa.gov/airports/planning\\_capacity/npias\\_acip\\_order/](https://www.faa.gov/airports/planning_capacity/npias_acip_order/).

In the administration of the AIP, the FAA gives the highest priority to projects that enhance safety and security at airports. Other major objectives are achieved by awarding AIP funds to projects that maintain existing airport infrastructure and increase or maintain the capacity of existing facilities to accommodate increasing passenger and cargo demand.

DCL projects are prioritized based on the NPR. The NPR emphasizes using AIP funding on the highest priority projects as required by statute. However, the NPR is not always the only factor for determining a project's priority. For this reason, the ACIP process considers other qualitative factors to supplement the NPR score in determining priorities. Qualitative factors are assessed through project justifications and priority project identification. Long-standing goals that the FAA has considered in project justifications include Safety or Security, System Capacity, Environment, and Access. Qualitative factors do not impact the NPR for a given project, but are taken into account in funding decisions. These qualitative factors include selection consideration for applications that have a positive benefit on safety; climate change and sustainability; equity; and workforce development, job quality, and wealth creation, as described in section D.2 above. This program supports the President's goals to mobilize American ingenuity to build modern infrastructure and an equitable, clean energy future while supporting the creation of good jobs.

The FAA considers discretionary grants that advance the goals of the President’s Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government;” the President’s Executive Order 13988, “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation;” the President’s Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad;” and the President’s Executive Order 14025, “Worker Organizing and Empowerment.” The FAA considers the extent to which the project incorporates considerations of climate change and sustainability, to the extent possible within the program. The FAA considers the extent to which the project proactively addresses racial equity and barriers to opportunity, to the extent possible within the program.

### 3. Integrity and Performance Check.

Prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, the FAA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. The FAA considers any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant’s integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

## **F. Federal Award Administration Information**

### 1. Federal Award Notices.

AIP awards are announced through Congressional notification. The FAA RO/ADO representative contacts sponsors with further information and instructions. Once all pre-grant actions are complete, the FAA RO/ADO offers the sponsor a grant for the announced project.



This offer may be provided through postal mail or by electronic means, and it includes an offer letter and a grant agreement. Once the sponsor accepts the offer and has fully executed the grant agreement, that agreement becomes the legally binding grant award document. Awards made under this program are subject to conditions and assurances in the grant agreement. The FAA announces awards several times throughout the fiscal year, but no later than September 30 of each fiscal year. These announcements can include entitlement and discretionary awards.

## 2. Administrative Requirements.

### i. Pre-Award Authority

Under 49 U.S.C. 47110(b)(2), all project costs must be incurred after the grant execution date unless specifically permitted under the AIP statutes. Table 3-60 of the AIP Handbook lists the rules regarding when project costs can be incurred in relation to the grant execution date, the type of funding, and the type of project. Certain airport development costs incurred before execution of the grant agreement are allowable, but only if certain conditions under 49 U.S.C. 47110(b)(2)(D) and table 3-60 of the AIP Handbook are met. Specifically, all allowable costs using passenger, cargo, and non-primary entitlement (formula) funding after 9/30/1996 may be reimbursed regardless of whether they were incurred before the grant was executed as long as all other applicable AIP requirements have been met. In addition, allowable costs using any or all of the following must have been incurred after the grant execution date: discretionary, state apportionment (including insular), and Alaska supplemental funding. The only exceptions are based on statute, and are: the part 150 Noise Mitigation program, project formulation for development and planning projects, land acquisition, letters of intent, design-build projects, Military Airport Program, and climate-related conditions.

### ii. Planning

The FAA encourages applicants to review and understand the long-term planning process in the lifecycle of an AIP grant. The planning process for a particular project begins several years before a fiscal year in which a grant is awarded. FAA Order 5090.5 establishes guidelines for the

two Federal plans essential to airport development: The National Plan of Integrated Airport Systems (NPIAS) and the Airports Capital Improvement Plan (ACIP), and is available at [https://www.faa.gov/airports/planning\\_capacity/npias\\_acip\\_order/](https://www.faa.gov/airports/planning_capacity/npias_acip_order/).

### iii. Grant Requirements

All grant recipients are subject to the grant requirements of the AIP, which includes requirements of 49 U.S.C. chapter 471. Grant recipients are subject to requirements in the FAA's Agreement for AIP for financial assistance awards, the annual Certifications and Assurances required of applicants, and any additional applicable statutory or regulatory requirements, including nondiscrimination requirements, 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Grant requirements include, but are not limited to, approved project on an airport layout plan, compliance with Federal civil rights laws, Buy American requirements under 49 U.S.C. 50101, Build America, Buy America Act requirements under Public Law 117-58, Transportation Disadvantaged Business Enterprise (DBE) program regulations for Airports (49 CFR parts 23 and 26), and Davis-Bacon Act, as amended (40 U.S.C. 3141-3144, 3146, and 3147).

### iv. Standard Assurances

Each applicant must assure that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FAA circulars, and other Federal administrative requirements in carrying out any project supported by the AIP grant. Applicants must acknowledge that they are under a continuing obligation to comply with the terms and conditions of the grant agreement issued for their project with the FAA. Applicants understand that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. Applicants must agree that the most recent Federal requirements apply to the project unless the FAA issues a written determination otherwise.

Applicants must submit the Certifications and Assurances before receiving a grant, including sponsor grant assurances and 2 CFR part 200. The Airport Sponsor Assurances are available on the FAA website at: [https://www.faa.gov/airports/aip/grant\\_assurances/](https://www.faa.gov/airports/aip/grant_assurances/).

v. Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department of Transportation and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Improving Cybersecurity for Critical Infrastructure Control Systems.

vi. Domestic Preference Requirements

As expressed in Executive Order 14005, “Ensuring the Future Is Made in All of America by All of America’s Workers” (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement at Buy American requirements under 49 U.S.C. 50101 and Build America, Buy America requirements under Public Law 117-58. The FAA expects all applicants to comply with that requirement.

vii. Civil Rights and Title VI

As a condition of a grant award, you shall demonstrate that you comply with the provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d to 2000d-4) and implementing regulations (49 CFR part 21), the Airport and Airway Improvement Act of 1982 (49 U.S.C.

47123), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), U.S. Department of Transportation and Federal Aviation Administration (FAA) Assurances, and other relevant civil rights Acts, Regulations, and Authorities. This may include, as applicable, providing a current Title VI Program Plan and a Community Participation Plan (alternatively may be called a Public Participation Plan) to the FAA for approval, in the format and according to the timeline required by the FAA, and other information about the communities that will be benefited and impacted by the project. A completed FAA Title VI Pre-Grant Award Checklist is also required for every grant application for a large or medium hub airport this fiscal year, unless excused by the FAA. You shall affirmatively ensure that when carrying out any project supported by this grant that you will comply with all federal nondiscrimination and equity laws based on race, color, national origin (including persons who are limited English proficient), sex (including sexual orientation and gender identity), creed, age, disability, genetic information, or environmental justice in consideration for federal financial assistance. Applicants who have not sufficiently demonstrated the conditions of compliance with civil rights requirements will be required to do so before receiving funds. The DOT's and FAA's Office of Civil Rights may provide resources and technical assistance to recipients to ensure full and sustainable compliance with Federal civil rights requirements. Failure to comply with civil rights requirements will be considered a violation of the agreement or contract and be subject to any enforcement action as authorized by law.

#### viii. Federal Contract Compliance

As a condition of grant award and consistent with E.O. 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all Federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for

work being performed by people of color. If applicable, under section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

#### ix. Performance and Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms, such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require applicants to collect data elements to aid the evaluation and/or use information available through other reporting. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation, including associated data collection activities from the outset of their program design and implementation, to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, improve equitable delivery, and elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” 5 U.S.C. 311. Credible program evaluation activities are implemented with relevance and utility,

rigor, independence and objectivity, transparency, and ethics (Office of Management and Budget (OMB) Circular A-11, part 6 section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR part 200).

x. In addition to the Administration's priority of promoting building infrastructure with American workers detailed in the President's Executive Order 14005, "Ensuring the Future is Made in all of America by All of America's Workers," every AIP grant recipient must comply with the requirements under the Build America, Buy America Act (Public Law 117-58) as well as Buy American requirements under 49 U.S.C. 50101 as an integrated process at the direction of the FAA.

xi. In addition to this program supporting the President's Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," all recipients of Federal funding are subject to title VI of the Civil Rights Act of 1964, which includes the requirement that, in certain circumstances, grant recipients ensure that persons with limited English proficiency can effectively participate in or benefit from Federally assisted programs and activities, such as those arising from an AIP grant pursuant to this NOFO, and the terms of any AIP grant agreement.

### 3. Reporting

The grant recipient is subject to financial reporting per 2 CFR 200.328 and performance reporting per 2 CFR 200.329. Under the AIP, the grant recipient is required to comply with all Federal financial reporting requirements and payment requirements, including the submittal of timely and accurate reports. Financial and performance reporting requirements are available in the FAA October 2020 Financial Reporting Policy, which is available at

[https://www.faa.gov/sites/faa.gov/files/airports/aip/grant\\_payments/aip-grant-payment-policy.pdf](https://www.faa.gov/sites/faa.gov/files/airports/aip/grant_payments/aip-grant-payment-policy.pdf).

The grant recipient must comply with annual audit reporting requirements. The grant recipient and sub-recipients, if applicable, must comply with 2 CFR part 200 subpart F Audit requirements. The grant recipient must comply with any reporting requirements outlined in 2 CFR part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension.

**G. Federal Awarding Agency Contact(s)**

Please contact your local Regional Office or District Office. Contact information is available at <https://www.faa.gov/airports/regions/>.

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**Lisa A. Holden,**

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